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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re
META MATERIALS INC.,
Debtor.

Case No.: 24-50792-hlb
(Chapter 7)

**EX PARTE MOTION FOR ORDER
REQUIRING CUSTODIAN OF
RECORDS FOR THE NASDAQ STOCK
MARKET LLC TO APPEAR FOR
EXAMINATION PURSUANT TO
F.R.BANKR.P. 2004 AND TO PRODUCE
RECORDS**

Hearing Date: N/A
Hearing Time: N/A

Pursuant to Federal Rule of Bankruptcy Procedure 2004 and Local Rule 2004, Christina Lovato, Chapter 7 Trustee for the Estate of Meta Materials Inc. (“Trustee”), by and through her undersigned counsel, respectfully applies to this Court for an *Ex Parte* Order requiring the Custodian of Records of The Nasdaq Stock Market LLC (“Nasdaq”), to appear as set forth in a subpoena to be issued pursuant to Federal Rule of Bankruptcy Procedure 9016, at a time, place and date to be mutually agreed upon by the parties, or if no such agreement is reached, upon no less than fourteen (14) calendar days written notice by the Trustee for examination, regarding the Debtor’s assets, liabilities, and financial condition.

This Motion is supported by the following Memorandum of Points and Authorities.

1 DATED this 6th day of March, 2025.

2 ROBISON, SHARP, SULLIVAN & BRUST
3 71 Washington Street
4 Reno, NV 89503

5 /s/ Clayton P. Brust
6 KENT R. ROBISON, ESQ.
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13 **MEMORANDUM OF POINTS AND AUTHORITIES**

14 F.R.Bankr.P. 2004 provides, in relevant part, that upon motion of any party in interest, the
15 court may order the examination of the debtor or any other entity regarding the acts, conduct,
16 property, liabilities and financial conditions of the debtor, or any other matter which affects the
17 administration of the debtor's estate or the debtor's right to a discharge. Rule 2004 further provides
18 that production of documents may be compelled at this examination.

19 The Trustee seeks to conduct oral examination relating to the Debtors' assets, liabilities,
20 and financial affairs to ascertain the facts and circumstances surrounding potential manipulation
21 of Debtor's share prices from September 21, 2020 through August 7, 2024, and how the
22 manipulation affected Debtor's financial condition for possible recovery on behalf of Debtor's
23 estate. The Trustee also seeks to compel production of the following documents from Nasdaq (all
24 documents of which are for the time frame of September 21, 2020 through August 7, 2024, and in
25 respect to Meta, MMTLP, or other CUSIPs or legend identifiers pertaining to Meta or MMTLP):

- 26 1. All messages relating to the processing of orders of any type for shares Meta
27 and/or MMTLP using FIX or binary protocol or any other protocol used for
28 similar pur-poses, in the original format the data was saved, including but not
limited to client's MPID and short indicator marking, received by Nasdaq from a
client broker-dealer of Nasdaq and sent by Nasdaq to a client broker-dealer of
Nasdaq.

1 The requested discovery from the Custodian of Records of Nasdaq is well within the scope
2 of examination permitted under F.R.Bankr.P. 2004, which includes:

3 [t]he acts, conduct, or property or ... the liabilities and financial
4 condition of the debtors, or ... any matter which may affect the
5 administration of the debtor's estate, or to the debtor's right to a
6 discharge. In a ...reorganization case under chapter 11 of the Code,
7 ... the examination may also relate to the operation of any business
8 and the desirability of its continuance, the source of any money or
9 property acquired or to be acquired by the debtor for purposes of
10 consummating a plan and the consideration given or offered
11 therefore, and any other matter relevant to the case or to the
12 formulation of a plan.

13 WHEREFORE, the Trustee respectfully requests that this Court enter its Order authorizing
14 the examination of the Custodian of Records of Nasdaq, as described herein. A proposed Order is
15 attached as **Exhibit 1**.

16 DATED this 6th day of March, 2025.

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20 /s/ Clayton P. Brust
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28 *Attorneys for Christina Lovato, Trustee*

EXHIBIT 1

EXHIBIT 1

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re

META MATERIALS INC.,

Debtor.

Case No.: 24-50792-hlb
(Chapter 7)

**[PROPOSED] ORDER GRANTING EX
PARTE MOTION FOR ORDER
REQUIRING CUSTODIAN OF
RECORDS FOR THE NASDAQ STOCK
MARKET LLC TO APPEAR FOR
EXAMINATION PURSUANT TO
F.R.BANKR.P. 2004**

Hearing Date: N/A
Hearing Time: N/A

This Court having reviewed the *Ex Parte Motion For Order Requiring Custodian Of Records For The Nasdaq Stock Market LLC to Appear for Examination Pursuant to F.R.Bankr.P. 2004* (the “Motion”) submitted by Christina Lovato, the Chapter 7 Trustee, and for good cause appearing;

IT IS HEREBY ORDERED that the Motion is GRANTED; and

IT IS FURTHER ORDERED that the Custodian of Records of The Nasdaq Stock Market LLC, through an appropriate designee(s) shall appear for examination regarding the Debtor’s assets, liabilities, and financial condition, before a certified court reporter at a time, place and date to be mutually agreed upon by the parties, or if no such agreement is reached, upon no less than fourteen (14) calendar days written notice by the Trustee for examination; and

IT IS FURTHER ORDERED that oral examination shall continue from day to day, as

necessary.

IT IS FURTHER ORDERED that The Nasdaq Stock Market LLC shall produce the following documents (time range from September 21, 2020 through August 7, 2024, and in respect to Meta, MMTLP, or other CUSIPs or legend identifiers pertaining to Meta or MMTLP):

1. All messages relating to the processing of orders of any type for shares Meta and/or MMTLP using FIX or binary protocol or any other protocol used for similar purposes, in the original format the data was saved, including but not limited to client's MPID and short indicator marking, received by Nasdaq from a client broker-dealer of Nasdaq and sent by Nasdaq to a client broker-dealer of Nasdaq.

Respectfully Submitted By:

/s/ Clayton P. Brust

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